

that the subject examination was cancelled on May 19, 2021 due to a lack of qualified applicants.¹

On her application, the appellant did not indicate possession of a Bachelor's degree but noted that she completed 112 college credits and various training courses. She also listed her work experience as an Administrative Analyst 3 from January 2018 to August 2000, a Director of Digital Media with the Office of the Governor from May 2015 to January 2018, a Multimedia Manager with OIT from August 1999 to May 2015, an Account Executive with the Guild Group from April 1998 to April 1999, an Arena Project Coordinator with the County of Mercer from February 1996 to February 1998,² a Director of Promotions with Brenner Classic Moments from May 1995 to February 1996, and a Game Production employee with Madison Square Garden from September 1991 to May 1995. Upon review, as set forth in detail below, Agency Services found that the appellant did not meet the announced requirements.

On appeal, the appellant emphasizes that she has 112 cumulative hours from Rider University that satisfies the 90 college credits needed as substitution for three years of experience and that she has over 20 years of experience in the review and analysis of practices, methods and procedures as a State employee. Along with her seven years of experience in the private sector, she maintains that she is more than qualified for the subject examination. The appellant further states that since leaving the Office of the Governor and being re-hired as an Assistant Program Material Specialist with OIT in January 2017, she has been performing the job duties listed on the announcement for the subject examination. The appellant also highlights her prior work experience as listed on her application. Moreover, the appellant notes she was not given the option from OIT for a "Temporary Intergovernmental Transfer to the Governor's Office" and was told to resign. She contends that she did not leave State service and questions why her two years with the Office of the Governor resulted in loss of pay and permanency.

It is noted that, although the appellant states on appeal she was re-hired at OIT in January 2017, agency records indicate she was appointed from a regular reemployment list effective January 6, 2018 in the title of Assistant Promotional Material Specialist and was later appointed provisionally to the Administrative Analyst 3 title on October 26, 2019. Upon review of her application, Agency Services noted that the appellant had combined the time periods and duties of her provisional title with the title of Assistant Promotional Material Specialist (from

¹ Agency records indicate that the appellant has been serving as an Administrative Analyst 3, provisionally pending promotional examination procedures, since October 26, 2019, and she was the only applicant who filed for the subject examination.

² Agency records indicate that from December 1996 to March 1989, the appellant served as an Administrative Clerk, Building and Grounds, with the County of Mercer. That title was renamed to Administrative Clerk. She also held the titles of Administrative Secretary and Administrative Clerk prior to that time.

January 2018 to August 2020 as listed on her application), and may have been performing relevant out-of-title duties (from January 2018 to October 2019 when she was serving as an Assistant Promotional Material Specialist). This possible out-of-title experience, however, was not considered for eligibility purposes by Agency Services as the appointing authority did not submit any supporting documentation regarding this work performed by the appellant.

Furthermore, prior to her reemployment as an Assistant Promotional Material Specialist, the appellant was serving in the unclassified title of Aide to the Governor from June 2015 to January 2018, although the appellant described her position as a Director of Digital Media. Before that position, she had been serving with OIT from November 1999 to June 2015 in various titles, with the last position being in the Assistant Promotional Material Specialist title which is a competitive title in the career service. The appellant combined her titles on her application as a Multimedia Manager with OIT from August 1999 to May 2015.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In this instant matter, a review of the documentation demonstrates that Agency Services correctly determined the appellant was not eligible for the subject examination. The appellant did not possess one year of continuous permanent service as an Administrative Analyst 2 prior to the August 21, 2020 closing date. Furthermore, the appellant did not meet the open competitive requirements for the subject examination, as she lacked the required Bachelor's degree and did not demonstrate enough relevant experience. Pursuant to the substitution clause for education, the appellant needed seven years of experience. However, the appellant possessed only 112 credits. In that regard, Agency Services properly credited her with three years and six months of experience because incomplete Bachelor's degrees are only awarded eligibility and scoring credit for up to a maximum of 105 college credits, regardless of the level of the coursework. *See in the Matter of Jeffrey Booth and John Peterson* (MSB, decided August 11, 2004). Additionally, the appellant was credited with 11 months of provisional experience in the subject title from October 26, 2019 to the closing date in August 21, 2020. The appellant did not receive credit for the positions she held as a Director of Digital Media, Multimedia Manager, Director of Promotions, and Game Production employee, as Agency Services properly determined that there were no indications of experience in the review, analysis, evaluation of budget, organization, administrative practices, operational methods, management operations or data processing applications or any

combination thereof including responsibility for the recommendation of planning and/or implementation of improvements in a business or government agency. Furthermore, there was no documentation presented in support of the appellant's possible relevant out-of-title work experience in the title of Assistant Promotional Material Specialist. As such, Agency Services credited the appellant with only four years and five months of experience. Therefore, it deemed the appellant to have lacked two years and seven months of applicable experience as of the August 21, 2020 closing date.

However, in the positions the appellant held as an Account Executive with the Guild Group from April 1998 to April 1999 and as an Arena Project Coordinator (Administrative Clerk, Building and Grounds) from February 1996 to February 1998, Agency Services found these positions had some aspect of analysis as required by the examination announcement, but the primary focus of the positions was not in the areas required. Nonetheless, in this case, the Commission finds good cause to accept this experience. With this experience, and considering the applicable experience the appellant asserts she gained out-of-title after she returned to OIT in 2018 and her provisional experience gained after the examination closing date, the appellant has now more than a sufficient amount of relevant experience to meet the announced examination requirements. Absent accepting the totality of the appellant's work experience to date, no candidate can permanently be placed in the subject position as the examination was cancelled.

Therefore, under the circumstances of this case, the Commission finds good cause to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* and admit the appellant to the examination. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). The Commission notes that the appellant's remedy is limited to the unique circumstances of this matter and does not provide a precedent in any other matter.

Lastly, the appellant questions her movement from OIT to the Office of the Governor and her return to OIT. While not germane to the appeal, it is noted that the appellant accepted an unclassified position in the Office of the Governor. As such, she was resigned from her permanent career service position. Her pay was also adjusted upon her reemployment as an Assistant Promotional Material Specialist in January 2018. She was placed on Salary Step 10 of that title's pay scale, which is the highest step. Any challenge at this juncture regarding her resignation or her pay status is untimely and will not be considered.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant be admitted to the subject examination for prospective appointment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 27TH DAY OF OCTOBER, 2021



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